

an article, whereas, in truth and in fact, it was not such, but was a diluted vanilla extract, and was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Concentrated Extract of Vanilla," thereby purporting that it was genuine vanilla extract, conforming to the commercial standard for such article, whereas, in truth and in fact, it was not such, but was a diluted vanilla extract.

On November 12, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$20 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2989. Misbranding of Ferro China Antimalarico. U. S. v. American Union Cordial Co. of Penna. Plea of non vult contendere. Fine, \$25 and costs. (F. & D. No. 4867. I. S. No. 2603-e.)

On March 10, 1913, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Union Cordial Co. of Penna., Inc., a corporation, Allentown, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 15, 1912, from the State of Pennsylvania into the State of New York, of a quantity of Ferro China Antimalarico which was misbranded. This product was labeled partly in a foreign language and partly in English. The label, with that portion appearing in a foreign language translated into English, was as follows: "Ferro China Antimalarico Anti-Malaria Iron-Chincona American Union (trade mark). This unsurpassed True Ferro-China has won the admiration of the best medical celebrities because it is very rich in iron and in cinchona. It is the only one now recommended for anemia, loss of appetite, debility, malaria. Drink plain, or with water, seltzer or vermouth. The contents of this package constitutes a compound guaranteed by American Union Cordial Company under the Pure Food and Drug Act, June 30, 1906. Serial No. 26694. American Union Cordial Co. of Penna., Sole Manufacturers." (On neck of bottle) "Ferro China Antimalarico." (Blown in bottle) "Ferro China."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	22.13
Iron and cinchona.....	Present.

Misbranding of the product was alleged in the information for the reason that each of the bottles containing the drug contained a certain quantity of alcohol and the label thereon failed to bear a statement of the quantity of alcohol so contained therein.

On September 16, 1913, the defendant company entered a plea of non vult contendere and the court imposed a fine of \$25 and costs of \$13.50.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2990. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 4869. S. No. 1606.)

On December 11, 1912, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on February 27, 1913, an amended libel, for the seizure and condemnation of 6 tubs, each containing approximately 70 pounds of a product purporting to be butter, remaining unsold in the origi-

nal unbroken packages and in possession of Jacob Kraft, Savannah, Ga., alleging that the product had been shipped on or about December 1, 1912, by V. Lopez & Co., New York, N. Y., and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Blue Ribbon Brand Best Baking Butter." It also bore the name and address of consignee.

Adulteration of the product was alleged in the libel and amended libel for the reason that it was mixed and packed with an excessive, unreasonable, and illegal amount of water, which said water was substituted in part for the butter therein, whereby said butter was reduced, lowered, and injuriously affected in its quality and strength, and for the further reason that a deleterious ingredient, to wit, borax, was added and contained in said butter, which said borax had injuriously affected the quality thereof and might render the said butter product injurious to health as an article of food. Misbranding was alleged for the reason that the tubs bore no statement that the product therein contained was composed of an excessive and surplus amount of water, but on the contrary indicated that the same was "best baking butter," and for the further reason that the tubs bore no statement to indicate that the butter contained borax.

On December 10, 1913, the said V. Lopez & Co., claimant, having filed their answer setting up ownership to the product and having subsequently withdrawn their claim to the butter, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, but not as an article of food, and that if no purchaser be found for the butter the same should be destroyed, and that the United States recover and have judgment against said claimant and their surety on the bond executed by them for the costs of the proceedings.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2991. Adulteration of tomato pulp. U. S. v. 267 Barrels Tomato Pulp. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 4870. S. No. 1607.)

On December 9, 1912, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 267 barrels of a product purporting to be tomato pulp, remaining unsold in the original unbroken packages and in possession of the Thomas Canning Co., Grand Rapids, Mich., alleging that the product had been transported in interstate commerce, from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of filthy, putrid, or decomposed vegetable substance.

On May 27, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the contents of the barrels should be destroyed by the United States marshal and that the casks or barrels should be delivered to Fred C. Edler, doing business as the Huss-Edler Preserve Co., Chicago, Ill., the owner thereof.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2992. Adulteration of tomato pulp. U. S. v. 159 Barrels Tomato Pulp. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 4871. S. No. 1607.)

On December 9, 1912, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 159